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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,833	06/16/2006	David Durantel	P08599US00/BAS	3759
881 7590 05/27/2010 STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			EXAMINER WOOLWINE, SAMUEL C	
			ART UNIT 1637	PAPER NUMBER
			MAIL DATE 05/27/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 10/528,833	<b>Applicant(s)</b> DURANTEL ET AL.	
	<b>Examiner</b> SAMUEL C. WOOLWINE	<b>Art Unit</b> 1637	

  

**All Participants:**

(1) SAMUEL C. WOOLWINE.

(2) BILL SCHULMAN.

**Date of Interview:** 13 May 2010

**Type of Interview:**

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant    ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes    ☒ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

Rejection(s) discussed:

*112, 2<sup>nd</sup> paragraph rejection, claim objections*

Claims discussed:

*1-28, 37-78*

Prior art documents discussed:

*N/A*

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

**Status of Application:** \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** \_\_\_\_\_

  

/Samuel Woolwine/  
Examiner, Art Unit 1637

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Discussed the claim objections/rejections in the Office action of 05/11/2010. Examiner offered to proceed by Examiner's amendment if the language proposed by the Examiner in the 05/11/2010 OA was acceptable. Examiner proposed language for claims 3, 4 46 and 47 that was different than that proposed in OA 05/11/2010, specifically: "The method according to claim 2, wherein the continuous DNA sequence comprises from 5' to 3' nucleotides of an HBV genomic sequence corresponding to nucleotides 1818 to 1813 and 1814 to 1960 of GenBank sequence GI 13365548 when said HBV genomic sequence is aligned with said GenBank sequence." The Examiner also raise the issue, not addressed in the Office action, that reciting a GenBank sequence in a claim renders the sequence disclosed in the GenBank record "essential material", which cannot be incorporated by reference. The Examiner suggested that either those claims be cancelled (since the recitation of the specific primers used in claim 1 inherently results in the limitations recited in claims 3, 4, 46 and 47) or that the sequence disclosed in GenBank GI 13365548 be added to the Sequence Listing.